

1 AN ACT to amend the Criminal Code of 1961 by adding  
2 Section 11-9.5.

3 Be it enacted by the People of the State of Illinois,  
4 represented in the General Assembly:

5 Section 5. The Criminal Code of 1961 is amended by  
6 adding Section 11-9.5 as follows:

7 (720 ILCS 5/11-9.5 new)

8 Sec. 11-9.5. Residing in the same residence as child  
9 prohibited for child sex offenders.

10 (a) It is unlawful for a child sex offender to knowingly  
11 be present at or reside in a residence where one or more  
12 persons under the age of 18 also reside, unless the offender  
13 is a parent or guardian of a person under the age of 18 who  
14 resides in that residence.

15 (b) Definitions. In this Section:

16 (1) "Child sex offender" means any person who:

17 (i) has been charged under Illinois law, or  
18 any substantially similar federal law or law of  
19 another state, with a sex offense set forth in  
20 paragraph (2) of this subsection (b) or the attempt  
21 to commit an included sex offense, and:

22 (A) is convicted of such offense or an  
23 attempt to commit such offense; or

24 (B) is found not guilty by reason of  
25 insanity of such offense or an attempt to  
26 commit such offense; or

27 (C) is found not guilty by reason of  
28 insanity pursuant to subsection (c) of Section  
29 104-25 of the Code of Criminal Procedure of  
30 1963 of such offense or an attempt to commit  
31 such offense; or

1           (D) is the subject of a finding not  
2           resulting in an acquittal at a hearing  
3           conducted pursuant to subsection (a) of Section  
4           104-25 of the Code of Criminal Procedure of  
5           1963 for the alleged commission or attempted  
6           commission of such offense; or

7           (E) is found not guilty by reason of  
8           insanity following a hearing conducted pursuant  
9           to a federal law or the law of another state  
10           substantially similar to subsection (c) of  
11           Section 104-25 of the Code of Criminal  
12           Procedure of 1963 of such offense or of the  
13           attempted commission of such offense; or

14           (F) is the subject of a finding not  
15           resulting in an acquittal at a hearing  
16           conducted pursuant to a federal law or the law  
17           of another state substantially similar to  
18           subsection (a) of Section 104-25 of the Code of  
19           Criminal Procedure of 1963 for the alleged  
20           violation or attempted commission of such  
21           offense; or

22           (ii) is certified as a sexually dangerous  
23           person pursuant to the Illinois Sexually Dangerous  
24           Persons Act, or any substantially similar federal  
25           law or law of another state, when any conduct giving  
26           rise to such certification is committed or attempted  
27           against a person less than 18 years of age; or

28           (iii) is subject to the provisions of Section  
29           2 of the Interstate Agreements on Sexually Dangerous  
30           Persons Act.

31           Convictions that result from or are connected with  
32           the same act, or result from offenses committed at the  
33           same time, shall be counted for the purpose of this  
34           Section as one conviction. Any conviction set aside

1 pursuant to law is not a conviction for purposes of this  
2 Section.

3 (2) "Sex offense" means:

4 (i) A violation of any of the following  
5 Sections of the Criminal Code of 1961: 10-7 (aiding  
6 and abetting child abduction under Section  
7 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6  
8 (indecent solicitation of a child), 11-6.5 (indecent  
9 solicitation of an adult), 11-9 (public indecency  
10 when committed in a school, on the real property  
11 comprising a school, or on a conveyance, owned,  
12 leased, or contracted by a school to transport  
13 students to or from school or a school related  
14 activity), 11-9.1 (sexual exploitation of a child),  
15 11-15.1 (soliciting for a juvenile prostitute),  
16 11-17.1 (keeping a place of juvenile prostitution),  
17 11-18.1 (patronizing a juvenile prostitute), 11-19.1  
18 (juvenile pimping), 11-19.2 (exploitation of a  
19 child), 11-20.1 (child pornography), 11-21 (harmful  
20 material), 12-14.1 (predatory criminal sexual  
21 assault of a child), 12-33 (ritualized abuse of a  
22 child), 11-20 (obscenity) (when that offense was  
23 committed in any school, on real property comprising  
24 any school, in any conveyance owned, leased, or  
25 contracted by a school to transport students to or  
26 from school or a school related activity). An  
27 attempt to commit any of these offenses.

28 (ii) A violation of any of the following  
29 Sections of the Criminal Code of 1961, when the  
30 victim is a person under 18 years of age: 12-13  
31 (criminal sexual assault), 12-14 (aggravated  
32 criminal sexual assault), 12-15 (criminal sexual  
33 abuse), 12-16 (aggravated criminal sexual abuse).  
34 An attempt to commit any of these offenses.

1           (iii) A violation of any of the following  
2           Sections of the Criminal Code of 1961, when the  
3           victim is a person under 18 years of age and the  
4           defendant is not a parent of the victim:

5           10-1 (kidnapping),

6           10-2 (aggravated kidnapping),

7           10-3 (unlawful restraint),

8           10-3.1 (aggravated unlawful restraint).

9           An attempt to commit any of these offenses.

10          (iv) A violation of any former law of this  
11          State substantially equivalent to any offense listed  
12          in clause (2)(i) of subsection (c) of this Section.

13          (3) A conviction for an offense under federal law  
14          or the law of another state that is substantially  
15          equivalent to any offense listed in paragraph (2) of  
16          subsection (c) of this Section shall constitute a  
17          conviction for the purpose of this Article. A finding or  
18          adjudication as a sexually dangerous person under any  
19          federal law or law of another state that is substantially  
20          equivalent to the Sexually Dangerous Persons Act shall  
21          constitute an adjudication for the purposes of this  
22          Section.

23          (4) "Reside" means to receive mail at or to stay  
24          overnight at the residence.

25          (c) Sentence. A person who violates this Section is  
26          guilty of a Class 4 felony.

27          Section 99. Effective date. This Act takes effect upon  
28          becoming law.